

REMARKS

Claims 44, 50-71, 75-88, 91, and 92 are pending. By this Amendment, claims 63-71, 75, 77-88 and 91 are amended.

Claims 51, 53-71, 75 and 77-92 are objected to because of an identified informality. Applicant brings to the Examiner's attention that claim 51 correctly uses "The" in the first line and thus should not have been rejected. Claims 53-62 already use the term "The" and thus it is believed that the objection was improperly made against these claims. The Examiner is respectfully requested to withdraw the objection. Claims 63-71, 75 and 77-88 and 91 have been amended to replace "An" with "The." Claims 89-90 were included in the objection but the Examiner has indicated that these claims were drawn to an invention that was independent or distinct from the invention originally claimed and thus they have been withdrawn from consideration. It is believed that claim 92 was improperly objected to because it is an independent claim and thus the term "An" is appropriate. In view of the amendments and remarks, the Examiner is respectfully requested to withdraw the objection.

Claims 88 and 91 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 88 and 91 have been amended to change their dependencies so that "the dividers" have proper antecedent basis. The Examiner is respectfully requested to withdraw this rejection.

35 U.S.C. §103(a)

Claims 50-53, 55, 57, 67, 71, 76, 77, 82 and 92 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,286,427 (Levensten) in view of U.S. Patent No. 2,995,409 (Simonsen). Applicant respectfully traverses this rejection.

Independent claim 50 calls for an organizer having a top section and a middle section located underneath the top section. The top section has a plurality of drawers that, in a first position are stacked one on the other, and, in a second position, are slid out to an extended position to expose the interior of each drawer. The middle section has a compartment.

Independent claim 52 calls for an organizer also having a top section and a middle section located under the top section. The top section has a first plurality of lift out drawers that are coupled to one another by a pair of hinges. The middle section has a drawer.

Independent claim 76 calls for an organizer having a top section with a first plurality of lift out drawers coupled to one another and a compartment located underneath the first plurality of lift out drawers.

Independent claim 92 calls for an organizer that has a top section with a lift out drawer and a compartment located underneath the lift out drawer.

As the Examiner correctly notes, Levensten fails to disclose a top section that has a first set and a second set of symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer. The Examiner relies on Simonsen to provide the teaching lacking in Levensten. Applicant would first like to make of record that independent claim 92 only calls for “a top section having a lift out drawer,” not a plurality of symmetrically arranged drawers. There is no suggestion or motivation to modify or combine the teachings of Levensten and Simonsen. Levensten does not suggest or motivate one of ordinary skill in the art to modify its open top tray 3 so that it has a lift out drawer as called for by claim 92 or a plurality of lift out drawers as called for by claims 50-53, 55, 67, 71, 76, 77 or 82. While Simonsen discloses a plurality of trays linked together and with the cover members so that the trays will open and close with corresponding movement of the cover members, the mere fact that the references can be combined or modified, which applicant does not agree with, does not render the resultant

combination obvious unless the prior art also suggests the desirability of the combination. The references do not make such a suggestion. The Examiner's conclusion of obviousness is based on improper hindsight reasoning and is made only with knowledge gleaned from applicant's disclosure. The Examiner is respectfully requested to withdraw the rejection.

Claims 50-53, 55, 67, 76, 77 and 82 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,045,202 (Simon) in view of Simonsen. Applicant respectfully traverses this rejection. As the Examiner correctly notes, Simon fails to disclose a top section that has a first set and a second set of symmetrically arranged plurality of drawers each of that in a first position are stacked on the other and in a second position are slid out to an extended position to expose the interior of each drawer. The Examiner relies on Simonsen to provide the teaching lacking in Simon. There is no suggestion or motivation to modify or combine the teachings of Simon and Simonsen. Simon does not suggest or motivate one of ordinary skill in the art to modify its top member 12 so as to have a plurality of lift out drawers. The Examiner's conclusion of obviousness is based on improper hindsight reasoning and is made only with knowledge gleaned from applicant's disclosure. The Examiner is respectfully requested to withdraw the rejection.

Claims 54 and 83 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simon in view of Simonsen and, in the alternative, over Simon in view of Simonsen and further in view of U.S. Patent No. 1,600,830 (Lewis). Claims 54 and 83 are dependent indirectly upon independent claims 52 and 76, respectively, and are believed to be patentable for at least the same reasons already discussed with reference to claims 52 and 76. The Examiner is respectfully requested to withdraw the rejection.

Claims 56, 63, 64, 80 and 81 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simon in view of Simonsen and further in view of U.S. Patent No. 4,511,041 (Waitzman). Claims 56, 63, 64, 80 and 81 are dependent directly or indirectly upon either

independent claims 52 or 76 and are believed to be patentable for at least the same reasons already discussed with reference to claims 52 and 76. The Examiner is respectfully requested to withdraw the rejection.

Claims 58-60, 62, 70, 75, 78, 79, 88 and 91 are rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten in view of Simonsen and further in view of U.S. Patent No. 2,268,637 (Bernstein). Claims 58-60, 62, 70, 75, 78, 79, 88 and 91 are dependent directly or indirectly upon either independent claims 52 or 76 and are believed to be patentable for at least the same reasons already discussed with reference to claims 52 and 76. The Examiner is respectfully requested to withdraw the rejection.

Claim 61 is rejected under 35 U.S.C. §103(a) as being unpatentable over Simon in view of Simonsen and further in view of British Application No. 2,217,298 (Wood). Claim 61 is dependent upon independent claim 52 and is believed to be patentable for at least the same reasons already discussed with reference to claim 52. The Examiner is respectfully requested to withdraw the rejection.

Claims 65, 66, 84 and 85 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simon in view of Simonsen and further in view of U.S. Patent No. 1,131,713 (Kramer). Claims 65, 66, 84 and 85 are dependent either directly or indirectly upon claims 52 or 76 and are believed to be patentable for at least the same reasons already discussed with reference to claims 52 and 76. The Examiner is respectfully requested to withdraw the rejection.

Claims 44, 68, 69, 86 and 87 are rejected under 35 U.S.C. §103(a) as being unpatentable over Levensten in view of Simonsen and U.S. Patent No. 1,369,577 (Townley).

Claim 44 calls for an organizer having a top section and a middle section. The top section has a plurality of lift out drawers that are coupled to one another by a pair of hinges. The middle section has a plurality of drawers stacked one on top of the other and a pair of doors

that can be pivoted to an open position to expose the plurality of drawers and the doors can be pivoted to a closed position to conceal the plurality of drawers.

As the Examiner correctly notes, Levensten and Simonsen fail to disclose a middle section with a plurality of drawers and a pair of doors. The Examiner relies on Townley to supply this teaching. The Examiner states that Townley shows “a middle section with a plurality of stacked drawers (18) with pivotal doors (13, 14).” The items referred to by reference numeral 18 are not drawers but rather sliding shelves. Townley does disclose drawers (8, 9) but they are not behind a pair of pivoting doors. There is no suggestion or motivation to modify or combine the teachings of the references. Without such a motivation or suggestion, the combination is improper. The Examiner is respectfully requested to withdraw the rejection.

Claims 68, 69, 86 and 87 are dependent either directly or indirectly upon independent claims 52 or 76 and are believed to be patentable for at least the same reasons already discussed with reference to claims 52 and 76. The Examiner is respectfully requested to withdraw the rejection against these claims.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.



Application No. 10/068,811

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

Natalie D. Kadievitch  
Registration No. 34,196

Customer No. 22859  
Fredrikson & Byron, P.A.  
4000 Pillsbury Center  
200 South Sixth Street  
Minneapolis, MN 55402-1425 USA  
Telephone: (612) 492-7000  
Facsimile: (612) 492-7077

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